

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

.....
IN RE: : **CASE NO. 5-15-04083-JJT**
:
JOHN P. MELCHIOR, : **CHAPTER 7**
:
DEBTOR. :
.....

**CHAPTER 7 TRUSTEE'S MOTION TO
CONTINUE HEARING WITH CONCURRENCE**

TO THE HONORABLE JOHN J. THOMAS, BANKRUPTCY JUDGE:

AND NOW COMES, Mark J. Conway, Chapter 7 Trustee of the Estate of John P. Melchior, by and through his undersigned counsel, hereby requesting an Order continuing the hearing scheduled for July 20, 2018, and, in support thereof, respectfully represents as follows:

BACKGROUND

1. Debtor filed a Voluntary Petition for relief under Chapter 7 of the United States Bankruptcy Code on September 23, 2015.
2. Mark J. Conway is the Chapter 7 Trustee for the Estate of John P. Melchior (the "Trustee"), having been duly appointed in the above-captioned case on September 23, 2015.
3. On or about June 22, 2016, the Trustee filed an Application to Approve Settlement of FINRA Arbitration and Pay Counsel Fees and Expenses (Dkt. No. 55).
4. On or about July 5, 2016, an Objection to the aforementioned Application was filed on behalf of Debtor, and a hearing was scheduled for August 18, 2016 (Dkt. No. 58).

5. On August 4, 2016, the Trustee filed an Objection to Debtor's Exemptions (Dkt. No. 60).

6. On August 17, 2016, Debtor's counsel filed a Request to Continue Hearing/Trial With Concurrence (Dkt. No. 63), and subsequently, an Order issued scheduling a hearing for September 22, 2016.

7. On September 20, 2016, Debtor's counsel filed a Motion to Continue the hearing, and subsequently, an Order issued granting said motion and scheduling a hearing on both the Application for Approval of Settlement and the Trustee's Objection to Debtor's Exemptions for October 20, 2016 (Dkt. Nos. 66 and 67).

8. On October 18, 2016, Trustee's counsel filed a Motion to Continue the hearing, and subsequently, an Order issued granting said motion and scheduling a hearing on both the Application for Approval of Settlement and the Trustee's Objection to Debtor's Exemptions for November 22, 2016 (Dkt. Nos. 68 and 69).

9. On November 21, 2016, Debtor's counsel filed a Motion to Continue the hearing, and subsequently, an Order issued granting said motion and scheduling a hearing on both the Application for Approval of Settlement and the Trustee's Objection to Debtor's Exemptions for December 20, 2016 (Dkt. Nos. 70 and 71).

10. On December 15, 2016, Debtor's counsel filed a Motion to Continue the hearing, and subsequently, an Order issued granting said motion and scheduling a hearing on both the Application for Approval of Settlement and

the Trustee's Objection to Debtor's Exemptions for March 21, 2017 (Dkt. Nos. 72 and 73).

11. An Application to Employ new Special Counsel was filed on behalf of the Trustee on January 12, 2017, and subsequent thereto, on January 20, 2017, an Order issued granting said employment (Dkt. Nos. 76 and 77).

12. On March 10, 2017, the Trustee filed a Withdrawal of Trustee's Application to Approve FINRA Arbitration Settlement and Payment of Counsel Fees and Expenses (Dkt. No. 79) relative to the settlement procured by previous special counsel, as newly employed special counsel believed that a substantially higher settlement or verdict may be attainable. Accordingly, the hearing set for March 21, 2017, on said matter was unnecessary.

13. Additionally, on March 10, 2017, the Trustee filed a Motion to Continue the hearing on the Trustee's Objection to Debtor's Exemptions, and subsequently, an Order issued granting said motion and scheduling a hearing on the Trustee's Objection to Debtor's Exemptions for July 18, 2017 (Dkt. Nos. 80 and 81).

14. On July 17, 2017, Debtor's counsel filed a Motion to Continue the hearing, and subsequently, an Order issued granting said motion and scheduling a hearing on the Trustee's Objection to Debtor's Exemptions for September 7, 2017 (Dkt. Nos. 83 and 84).

15. On August 31, 2017, Trustee's counsel filed a Motion to Continue the hearing, and subsequently, an Order issued granting said motion and

scheduling a hearing on the Trustee's Objection to Debtor's Exemptions for January 4, 2018 (Dkt. Nos. 85 and 86).

16. On January 2, 2018, Trustee's counsel filed a Motion to Continue the hearing with concurrence, and subsequently, an Order issued scheduling a hearing for January 4, 2018, on said Motion to Continue (Dkt. Nos. 88 and 89). The hearing was held on January 4, 2018, and a Proceeding Memo issued thereafter, rescheduling the hearing on the Trustee's Objection to Debtor's Exemptions for July 19, 2018 (Dkt. No. 91).

17. On July 17, 2018, Trustee's counsel filed a Motion to Continue the hearing with concurrence, and subsequently, an Order issued scheduling a hearing for December 20, 2018, on said Motion to Continue (Dkt. Nos. 94 and 95).

18. In regard to the Trustee's Objection to Debtor's Exemptions, the Trustee hereby requests a one hundred and eighty (180) day continuance of the hearing scheduled for December 20, 2018, in order to continue settlement negotiations with Debtor's counsel and/or for a determination on the outstanding litigation in the United States District Court Southern District of New York ("Litigation").

19. Currently, the special counsel for the Estate has advised, "This case is still pending a decision by the district court, sorry to say. Mr. Melchior did write the court a letter in September, and I will do so also on an inquiry of status, as all the papers were filed by the start of August, 2018."

20. Debtor's counsel concurs with the Trustee's request for continuance of the December 20, 2018 hearing.

WHEREFORE, the Trustee respectfully requests that the Court enter an Order, granting a continuance of the hearing set on the Chapter 7 Trustee's Objection to Debtor's Exemptions and for such other and further relief as is just and proper.

LAW OFFICES OF MARK J. CONWAY, P.C.

/s/ Mark J. Conway
MARK J. CONWAY, ESQ.
502 South Blakely Street
Dunmore, PA 18512
(570) 343-5350

Counsel for Defendant

Dated: December 17, 2018

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CERTIFICATE OF SERVICE

I, Constance Norvilas, Paralegal, hereby certify that on this 17th day of December, 2018, I electronically filed the foregoing with the Clerk of the Bankruptcy Court using the CM/ECF system which sent notification of such filing to the following Filing Users at the following e-mail addressed:

U.S. Trustee
Middle District of PA
228 Walnut Street
Room 1190
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ustpregion03.ha.ecf@usdoj.gov

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LAW OFFICES OF MARK J. CONWAY, P.C.

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ORDER GRANTING MOTION TO CONTINUE HEARING

Upon consideration of the **CHAPTER 7 TRUSTEE'S MOTION TO
CONTINUE HEARING** and good cause having been shown, it is hereby
ORDERED that the above captioned Motion for Continuance with
Concurrence be and is hereby granted, and the hearing scheduled for December
20, 2018 at 9:30 A.M. is hereby continued to